



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Rusty McLear  
The Inn at Bay Point  
312 Daniel Webster HWY Box 28  
Meredith, New Hampshire 03253

LETTER OF DEFICIENCY  
WMB PBF 02-23  
June 3, 2002

Dear Mr. McL

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On May 30, 2002, DES inspected the indoor spa at The Inn at Bay Point in Meredith, NH ("the Spa"). During this inspection the following deficiencies were noted:

A recommendation to close and drain the Spa was issued on May 31, 2002. The inspection on May 30, 2002 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:

- (a) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained greater than 50,000 cfu/mL.
  - (b) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.
  2. Env-Ws 1103.16(e) requires a free residual chlorine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L chlorine. The chlorine concentration of the Spa water was less than 0.1 mg/L on May 30, 2002.
- Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Spa water was 7.9 on May 30, 2002.
- 4 Pursuant to Env-Ws 1103.16(a), disinfection of spa water shall be achieved by continuous feed equipment. The Spa is currently being disinfected by hand feeding.
  - 5 Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Water quality is only tested and recorded once daily.
  6. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Complete patron rules were not posted at the Spa at the time of the inspection.

Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Spa at the time of the inspection.

8. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a flow meter.
9. Env-Ws 1103.05 requires shower facilities to be provided at all public bathing facilities. There is no shower at the Spa.
10. Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds. DES does not have any record of design approval for the Spa located at The Inn at Bay Point, Meredith, NH.


A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- A copy of two weeks of water quality test results for all facilities (please do not send originals).
  - 2. The type, manufacture, and model of the chlorine feeder to be installed.
  - 3. The type, manufacture, and model of the flow meter to be installed.
  - 4. A completed application for the unapproved Spa.
- A timetable of when:
- a. the safety items will be in place,
  - b. patron rules will be posted,
  - c. the installation of the chlorine feeder will be completed, and
  - d. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

  
Jody Connor  
Limnology Center Director

enclosures → SPA Application Patron Rules and

cc: Mark Harbaugh, Enforcement Attorney, DES  
Russell A. Nylander, P.E., Chief Engineer, WD/DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
William M. Edney, Health Officer, Town of Meredith